Attorney Docket No.: 10491-4
Serial No. 09/888,329

REMARKS

This Amendment and Response is in response to the outstanding Final Office
Action.

1. **Present Status Of The Claims**

The Final Office Action rejects claim 3 under 35 U.S.C. § 112, and claims 1, 3-7
and 9-17 under 35 U.S.C. § 102 as being anticipated by Microsoft FrontPage 2000
("Microsoft"). Claim 2 is rejected under 35 U.S.C. § 103 over Microsoft alone, and
claim 8 is rejected under 35 U.S.C. § 103 over Microsoft in view of U.S. Patent No.
5,574,898 to Leblang et al. ("Leblang"). Applicant has amended claim 3 herein.
Additionally, the Applicant herewith submits remarks specifically responding to the
rejections in the pending Office Action.

2. **Response To Rejections Of Claims.**

a. Response The To Rejection Of Claim 3 Under 35 U.S.C. § 112

The Applicant has amended claim 3 to remove the terms "other processing,"
which was the subject of the 35 U.S.C. § 112 rejection.

b. Response To The Rejection of Claims 1-7 and 9-27 Under 35 U.S.C. § 103

In response to the first Office Action, the Applicant amended claim 1 to state that
each of the folders and subfolders depend from the tag names in the markup language
file. Applicant explained that none of the cited art describes or suggests the method
claimed in claim 1, as amended, wherein the folders and subfolders depend from the tag
names.

The Final Office Action now maintains the § 103 rejection of claim 1 without any
additional references or reasoning to support the rejection. The Final Office Action
simply baldly states that it would have been obvious to one of ordinary skill in the art to
have the folders and subfolders depend on tag names, with no supporting evidence. In
fact, the Final Office Action fails to cite any prior art reference that describe or practice a
method for storing each portion of a markup language file into a directory structure
containing folders, subfolders, and files, complying with the structure of the first markup
language file, wherein each of the folders and subfolders depend from the tag names in
the markup language file.

7

BRMFSLA 61462v1

Attorney Docket No.: 10491-4
Serial No. 09/888,329

The Final Office Action notes that the folders that are visually presented in Microsoft are "visually correlated" with their related contents. Examples provided in the Final Office Action include "body", "center," "form", "p" etc. This organization of folders is typical, and is logically based on the *contents* of a whole web site or collection of files used for a web site. The purpose of this organization is for ease of development of a web site, which is the general purpose of Microsoft Front Page. For example, an "images" folder may be used to store all images for a web page, and there may be no tag in any file called <images>, but the folder is referenced by tags to retrieve images.

In sharp contrast, one useful purpose of the claimed invention is to *organize contents of a markup language file*. This could include a single file, such as an XML file, containing banking information for example. A tag for <home address> would produce a folder called "home address" in which home address information received within or with the file is stored. This gives the recipient of such files the ability to easily view and use the information tagged by the file, even though the recipient may not even know what was contained in the file when it was received. The user will know where to find social security information quickly if there is a tag called <SSN> for example. Microsoft Font Page does not offer this important feature of the invention, and nor does any other reference cited by the Examiner.

Nevertheless, the Final Office Action contains its baseless contention that somewhere there is some mysterious teaching of this feature and a motivation to combine it with Microsoft Front Page. The Examiner thereby relies on so called "common knowledge" for this very unique and novel feature. It is inappropriate for the examiner to take such official notice of so called "common knowledge" as facts without citing a prior art reference. The feature of using tag names extracted from a markup language file to create folders is not well known and not capable of instant and unquestionable demonstration as being well-known, as is specifically required by M.P.E.P. § 2144.03 in the rare instances where the Examiner is allowed to assert an element as common knowledge. The rule clearly states, "Assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art." M.P.E.P. § 2144.03 The Examiner has failed to make such a citation, or showing of any reference, or

8

BRMFSLA 61462v1

Attorney Docket No.: 10491-4
Serial No. 09/888,329

production of evidence, that discloses or suggests that tag names from a markup file is commonly used or known to name folders to store information from the markup file.
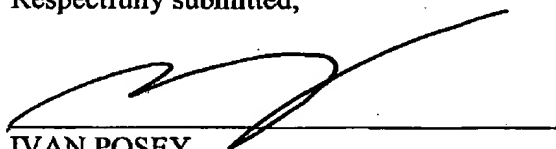
Thus, the Applicant respectfully asserts that claim 1 is allowable. All of the other pending claims depend form claim 1, and therefore those claims are allowable for the same reasons that claim 1 is allowable.

CONCLUSION

The Applicant has made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, the Applicant believes that the rejections in the Office Action have been overcome. Therefore, reconsideration and allowance of claims 1-27 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested.

Respectfully submitted,

Dated: March 9, 2006

IVAN POSEY
Reg. No. 43,865
BROWN RAYSMAN MILLSTEIN FELDER
   & STEINER LLP
1880 Century Park East, Suite 711
Los Angeles, California 90067
(310) 712-8311

IMP:meh

9

BRMFSLA 61462v1